



September 8, 1999

Mr. M. Wade Sullivan
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR99-2504

Dear Mr. Sullivan:

You ask whether certain information is subject to required public disclosure under Chapter 552 of the Government Code. Your request was assigned ID# 128504.

The City of Houston received a request for police report number 088705399G. You assert that the requested information is excepted from disclosure based on section 552.108 of the Government Code. We have considered the exception you claim and reviewed the information submitted.

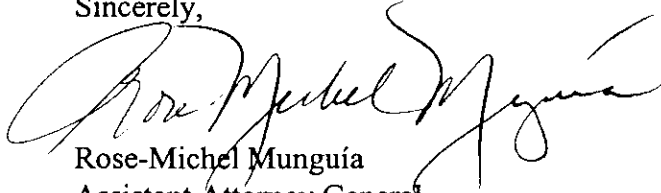
Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. You assert that the requested information pertains to a case that concluded in a result other than conviction or deferred adjudication. Therefore, section 552.108(a)(2) is applicable and the information is excepted from disclosure.

However, section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Such basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. --Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic front page offense and arrest report information, you may withhold the requested information from disclosure based on section 552.108(a)(2). Also, you have the discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts

presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Rose-Michel Munguia". The signature is fluid and cursive, with the first name "Rose" being particularly prominent.

Rose-Michel Munguia
Assistant Attorney General
Open Records Division

RMM/nc

Ref.: ID# 128504

Encl: Submitted documents

cc: Mr. John W. Clinton, Jr.
Attorney at Law
Law Offices of John W. Clinton, Jr.
The Esperson Buildings
808 Travis, Suite 1608
Houston, Texas 77002
(w/o enclosures)